

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW
YORK

MARIO MIRABAL,

Plaintiff,

vs

DEUTSCHE BANK NATIONAL TRUST COMPANY,et al.,

Defendants.

1:25-cv-07423-LJL-OTW

Related cases (Case Nos. 1:25-cv-07418-LJL-OTW 1:25-cv-07419-LJL-
OTW)

PLAINTIFF’S EMERGENCY MOTION FOR TEMPORARY
RESTRAINING ORDER AND INJUNCTIVE RELIEF UNDER RULE
65(b), IN LIGHT OF ONGOING VIOLATIONS BY STATE COURT

JUDGE DESPITE FEDERAL FORENSIC REVIEW

COMES NOW, Plaintiff Mario Mirabal, pro se, and respectfully moves this Court for an Emergency Temporary Restraining Order pursuant to Fed. R. Civ. P. 65(b), enjoining the enforcement of the December 23, 2025 Summary Final Judgment entered by Judge Lourdes Simon in Case No. 2024-022769-CA-01 in the Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida.

This emergency request arises from the state court's willful refusal to respect the supremacy of ongoing federal proceedings, and its endorsement of a judgment based on a facially void 2010 assignment of mortgage that is currently under Rule 60(b) review in this Court.

I. IMMEDIATE AND IRREPARABLE HARM

Despite being formally served with notice of:

The 5-minute forensic test submitted in all three above-captioned SDNY cases,

The Rule 60(b) motion in support of computational review now docketed in all three federal cases,

A formal motion to reinstate the Chapter 13 Bankruptcy case before Judge Lopez-Castro (SD Florida Bankr. Case No. 25-23193-CLC),

A pending evidentiary hearing set for January 13, 2026 to judicially review the very same assignment at issue set by Judge Lopez-Castro,

Judge Simon proceeded to enter a Summary Final Judgment and issuance of a Writ of Possession.

The Plaintiff's home is now at immediate risk of seizure and dispossession, despite:

The existence of ongoing federal review,

Referral to the DOJ and FBI,

Evidence on record that the assignment is facially fraudulent,

The existence of a live Judicial Qualifications Commission (JQC) complaint (Docket No. 25929) against Judge Simon, filed September 5, 2025, alleging misconduct in relation to her refusal to recuse, her participation in cases with known federal conflicts, and due process violations.

II. SUPREMACY CLAUSE AND FEDERAL INTERFERENCE

The actions taken by Judge Simon violate the Supremacy Clause of the U.S. Constitution, obstruct ongoing federal jurisdiction, and create a situation where the federal court's ability to rule is rendered moot by irreversible state action.

Plaintiff seeks only a limited TRO preventing enforcement of the
12/23/2025 judgment pending resolution of:

This Court's Rule 60(b) motion,

Review of the forensic test,

Resolution of federal agency investigations,

And the January 13, 2026 hearing before the Bankruptcy Court.

III. REQUEST FOR RELIEF

Plaintiff respectfully requests that this Court:

GRANT a Temporary Restraining Order enjoining enforcement of the
12/23/25 Summary Final Judgment entered by Judge Simon in Miami-Dade
County Case No. 2024-022769-CA-01;

ENJOIN execution of any related Writ of Possession pending further order
of this Court;

RETAIN jurisdiction to address Plaintiff's pending Rule 60(b) motion and

validate the forensic test now under review;

ENTER this TRO into all three above-captioned actions as an urgent judicial protection of federal jurisdiction and due process rights.

A proposed TRO order, Certificate of Service, follow .

Respectfully submitted,

Mario Mirabal

Pro Se Plaintiff

563 W. 49th Street

Miami Beach, FL 33140

Solphax@gmail.com

December 24, 2025

CERTIFICATE OF SERVICE

I hereby certify that I am a pro se plaintiff proceeding in forma pauperis and that no defendant has been formally served by the U.S. Marshals Service as of the date of this filing. This emergency motion is submitted pre-service in accordance with the Court's docket history, and no defendants have entered appearances. Plaintiff respectfully requests that the Court accept and review this submission without a certificate of service, pursuant to Fed. R. Civ. P. 5

and applicable SDNY procedures for unserved pro se litigants.

December 24, 2025

Respectfully submitted,

Mario Mirabal

Pro Se Plaintiff

563 W. 49th Street

Miami Beach, FL 33140

solphax@gmail.com

Proposed Order for Emergency TRO (for Judge Liman)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Mario Mirabal,

Plaintiff,

v.

Deutsche Bank National Trust Company, et al.,

Defendants.

Case No.:

1:25-cv-07423-LJL-OTW

Related (1:25-cv-07418-LJL-OTW, 1:25-cv-07419-LJL-OTW)

[PROPOSED] TEMPORARY RESTRAINING ORDER

Upon review of Plaintiff Mario Mirabal's Emergency Motion for Temporary Restraining Order and accompanying materials — including judicially noticeable exhibits, a computational forensic analysis of the contested mortgage assignment, and evidence of ongoing federal and bankruptcy proceedings affecting the underlying property — it is hereby:

ORDERED that any state court enforcement of the Summary Final Judgment entered on December 23, 2025, in Case No. 2024-022769-CA-01 in the Eleventh Judicial Circuit of Florida, including any attempted enforcement by the Miami-Dade County Sheriff's Office or Plaintiff KP Investments Miami, LLC, is hereby STAYED pending further review by this Court;

IT IS FURTHER ORDERED that no writ of possession, physical removal, or eviction related to the subject property at 563 W. 49th Street, Miami Beach, Florida 33140, shall be executed or effectuated while this Order is in effect;

IT IS FURTHER ORDERED that the Court reserves judgment on Plaintiff's Rule 60(b) motions and requests for injunctive and declaratory relief until Defendants have been served or otherwise appear, and the Court has received further briefing.

SO ORDERED.

Dated: _____, 2025

New York, NY

Lewis J. Liman

United States District Judge